

Remarks/Arguments

Reconsideration of this application is respectfully requested, in view of the following remarks.

I. Status of the Claims

After entry of this amendment, claims 1-11 and 13 are pending. Claim 12 is canceled. Claims 1-10 are amended at the request of the Examiner to recite "or a pharmaceutically acceptable salt or individual diastereomer thereof."

Independent claims 1 and 8 are amended to add the definition of "heteroaryl" and "heterocycle" from the specification. Support for these amendments is found in the application as filed, at page 28, lines 18-24, and page 28, line 33 to page 29, line 1.

Claims 7 (at page 15) and 9 (at page 32) are amended to correct a misspelling.

II. Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-13 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

The Examiner asserts that the terms "heteroaryl" and "heterocycle" are indefinite. In response, claims 1 and 8 are amended to recite that heterocycle is "a stable 5- to 7- membered monocyclic- or stable 8- to 11-membered bicyclic heterocyclic ring system which is either saturated or unsaturated, and which consists of carbon atoms and from one to four heteroatoms selected from the group consisting of N, O and S, and wherein the nitrogen and sulfur atoms may optionally be quaternized, and including any bicyclic group in which any of the above-defined heterocyclic rings is fused to a benzene ring." The claims are also amended to recite that heteroaryl is "a stable 5- to 7- membered monocyclic- or stable 9- to 10-membered fused bicyclic heterocyclic ring system which contains an aromatic ring, any ring of which may be saturated, and which consists of carbon atoms and from one to four heteroatoms selected from the group consisting of N, O and S, and wherein the nitrogen and sulfur atoms may optionally be oxidized, and the nitrogen heteroatom may optionally be quaternized, and including any bicyclic group in which any of the above-defined heterocyclic rings is fused to a benzene ring."

The Examiner also states that the phrase "and pharmaceutically acceptable salts and individual diastereomers thereof" should be rewritten as "or a pharmaceutically acceptable salt or individual diastereomer thereof." Claims 1-10 are amended as requested by the Examiner.

Claim 10 is also amended to correct informalities pointed out by the Examiner.

In view of the action taken and arguments made, the indefiniteness rejections have been overcome.

III. Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 12 and 13 stand rejected under 35 U.S.C. § 112, first paragraph as lacking enablement.

In response, claim 12 is canceled, thereby obviating this rejection.

Claim 13 is amended at the request of the Examiner to delete "controlling, ameliorating or reducing the risk." In view of the action taken and arguments made, the enablement rejection of claim 13 has been overcome.

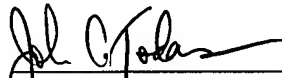
IV. Conclusion

In view of the foregoing, it is believed that all claims 1-11 and 13 are not indefinite, and are enabled by the specification.

Favorable action is earnestly solicited.

Respectfully submitted,

By



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